EXHIBIT 4

Invalidity of the U.S. Patent Number 7,072,849 ("'849 Patent") in view of U.S. Patent Number 5,796,967 ("'967 Patent")

The '967 Patent issued on August 18, 1998. This is before the '849 Patent issued on July 4, 2006. At least claim 13 of the '967 Patent, which depends from claims 12 and 1, anticipates and/or renders obvious at least claim 1 of the '849 Patent. At least claim 1 of the '849 Patent is, therefore, invalid for double patenting.

'849 Patent	'967 Patent
Claim 1	Claim 13
[1.1] A method for presenting advertising obtained from a computer network, the network including a multiplicity of user reception systems at which respective users can request applications, from the network, that include interactive services,	Claim 13 of the '967 patent is for a method for presenting advertising obtained from a computer network. Specifically, claim 13 is for a method for presenting applications. The applications can be advertising. The application displays are made up of objects attained from the network. The network includes a multiplicity of user reception systems at which users can request applications, from the network, that include interactive services: Claim 1: "A method for presenting interactive applications on a computer network, the network including a multiplicity of user reception systems at which respective users may request a multiplicity of available applications, the respective reception systems including a monitor at which the applications requested can be presented as one or more screens of display." Claim 1: "generating a screen display at a respective reception system for a requested application, the screen display being generated by the respective reception system from data objects having a prescribed data structure, at least some of which objects may be stored at the respective reception system, the screen display including a plurality of partitions, the partitions being constructed from objects, the objects being retrieved from the objects stored at the respective reception system, or if unavailable from the objects stored at the respective reception system, then from the network, such that at least some of the objects may be used in more than one application;" Claim 13: "The method of claim 12 wherein the objects are stored at the respective reception systems in accordance with a predetermined plan, and wherein the predetermined plan for storing objects at the respective reception systems includes providing the objects with a storage

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	control parameter in their respective headers, and wherein presenting a third screen partition includes presenting the second application as advertising."
[1.2] the respective reception systems including a monitor at which at least the visual portion of the applications can be presented as one or more screens of display, the method comprising the steps of:	The reception systems of claim 13 includes a monitor at which at least the visual portion of the applications can be presented as one or more screens of display: Claim 1: "the respective reception systems including a monitor at which the applications requested can be presented as one or more screens of display"
[1.3] structuring applications so that they may be presented, through the network, at a first portion of one or more screens of display; and	Claim 13 covers structuring application applications so that they may be presented, through the network, at a first portion of one or more screens of display: Claim 1: "A method for presenting interactive applications on a computer network. . . . " Claim 1: "[G]enerating a screen display at a respective reception system for a requested application . . . the screen display including a plurality of partitions. . . . " Claim 12: "The method of claim 1 further including generating at least a third screen partition concurrently with the first and second screen partitions for presenting a second application. . . ."
[1.4] structuring advertising in a manner compatible to that of the applications so that it may be presented, through the network, at a second portion of one or more screens of display concurrently with applications,	Claim 13 covers structuring advertising so that it may be presented through the network at a second portion of one or more screens of display concurrently with applications: Claim 1: "A method for presenting interactive applications on a computer network. . . . " Claim 12: "The method of claim 1 further including generating at least a third screen partition concurrently with the first and second screen partitions for presenting a second application. . . ." Claim 13: "The method of claim 12 . . . wherein presenting a third screen partition includes presenting the second application as advertising."

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[1.5] wherein structuring the advertising includes configuring the advertising as objects that include advertising data and;	Claim 13 covers structuring advertising by configuring the advertising as objects that include advertising data: Claim 1: "generating a screen display at a respective reception system for a requested application, the screen display being generated by the respective reception system from data objects having a prescribed data structure" Claim 13: "The method of claim 12 . . . wherein presenting a third screen partition includes presenting the second application as advertising."
[1.6] selectively storing advertising objects at a store established at the reception system.	Claim 13 covers selectively storing advertising objects at a store established at the reception system: Claim 1: "at least some of which objects may be stored at the respective reception system, the screen display including a plurality of partitions, the partitions being constructed from objects, the objects being retrieved from the objects stored at the respective reception system, or if unavailable from the objects stored at the respective reception system, then from the network, such that at least some of the objects may be used in more than one application" *See also* D.E. 89, IBM's Motion to Dismiss for Failure to State a Claim at 13-14 (making validity arguments for the '967 Patent based on the premise that "***numerous limitations of the '849 patent that are similarly found in the '967 patent***" and, in this context, discussing the '849 Patent's "selectively storing" limitation in relation to claim 1 of the '967 Patent).